1.0 Policy Purpose

The purpose of this policy is to define how Non-Exempt Staff at Brown University will be paid.

2.0 To Whom the Policy Applies

This policy applies to all Non-Exempt Staff at Brown University working in Rhode Island. Non-Exempt Staff working in New York and California should contact University Human Resources (UHR) for specific information regarding pay for Non-Exempt Staff in other states. Non-Exempt Staff who are covered by collective bargaining agreements (CBAs) should refer to the appropriate agreement.

3.0 Policy Statement

3.1 Overtime Pay for Non-Exempt Staff

Non-Exempt Staff receive overtime pay for all Hours Worked in excess of 40 hours in a standard Workweek. Except where the employee has a fluctuating Workweek and receives a salary (in which case overtime pay may be paid at a rate of one-half times the employee’s regular hourly rate of pay) overtime pay is calculated at a rate of one and one-half times the Non-Exempt Staff’s hourly pay. Non-Exempt Staff are required to obtain advance approval to work overtime. Alternative, flexible work schedules may be used during a Workweek, with supervisory approval, to avoid incurring overtime. However, if an employee works unapproved overtime during a Workweek, those hours must be paid.

3.2 Pay for All Hours Worked for Non-Exempt Staff

Non-Exempt Staff must be paid for all Hours Worked within the corresponding pay period. Hours may not be banked or payment for wages delayed for Non-Exempt Staff.

3.3 Sunday Pay for Non-Exempt Staff

Non-Exempt Staff who work Sundays are paid at time and one-half of the Non-Exempt Staff’s hourly rate for each hour worked, regardless of the number of Hours Worked in the Workweek. Non-Exempt Staff working in positions providing non-deferrable services or working in departments operating continuously are paid hourly rates when Sunday work is part of their standard Workweek.
3.4 Holiday Pay for Non-Exempt Staff

Holiday pay for Non-Exempt Staff who work on a designated University holiday can vary depending on the benefits eligibility and the number of Hours Worked.

**Full-Time Non-Exempt Staff**: Receive their hourly rate plus straight time for each hour worked. All Hours Worked over 7.5 on a holiday are paid at time and one-half.

**Part-Time Non-Exempt Staff Excluding Seasonal/Intermittent**: Receive their hourly rate plus straight time for each hour worked. All Hours Worked over their standard scheduled hours are paid at time and one-half.

**Seasonal/Intermittent Non-Exempt Staff**: Receive time and one-half for all Hours Worked.

3.5 Pay During Summer Hours for Non-Exempt Staff

For departments observing Summer Hours, the standard Workweek is decreased from 37.5 to 35 hours. Full-time, Non-Exempt Staff continue to be paid for 37.5 hours and do not receive additional compensation for hours worked between 35 and 37.5 hours.

3.6 Pay for Seminars, Training and Travel for Non-Exempt Staff

All travel time for a one-day work assignment in another city counts as time worked, except meals, time traveling between the employee's home and point of departure (e.g., airport), and the time that the employee would normally spend commuting into their ordinary place of work.

Travel requiring an employee to be away from home overnight must be paid for all time traveling during the hours corresponding to the employee's normal working hours, including travel hours on Saturdays, Sundays and holidays. However, travel time that is outside of normal working hours is not considered work time.

Any work that a Staff member performs (e.g., answering emails, attending seminars and training sessions, taking calls, etc.) while traveling must, of course, be counted as Hours Worked even if these hours are outside their normal work schedule. All hours that require attending meals or social events are counted as time worked.

The following do not count toward Hours Worked: breaks (including but not limited to meal periods), riding as a passenger outside of normal work hours, time spent sleeping, time spent waiting at the airport outside of normal work hours, and travel between home and worksite.

Normal travel from home to work before reporting time and return home at the end of the workday is not considered Hours Worked.
3.7 On-Call Pay for Non-Exempt Staff

Non-Exempt Staff who are On-Call who are required to remain on Brown’s premises are considered to be working and must be compensated unless they are furnished with sleeping facilities and have an agreement to exclude sleeping hours.

Non-Exempt Staff who are not required to remain on Brown premises while On-Call and can use the On-Call time for their own purpose, generally do not need to be compensated for the On-Call time.

Non-Exempt Staff who are called in or allowed to report for duty at the beginning of a work shift must be paid for a minimum of three hours or the actual Hours Worked, whichever is greater.

Non-Exempt Staff who are called but not required to come into work should be paid for the time worked.

Non-Exempt Staff who are covered by collective bargaining agreements (CBAs) should refer to the appropriate agreement for details on On-Call pay.

3.8 Pay for Administrative Closings for Non-Exempt Staff

Non-Exempt Staff who perform work during an emergency administrative closure will receive time off for all actual Hours Worked in addition to their hourly pay (or overtime if required by the FLSA). Please refer to the Essential Positions Policy for more information.

3.9 Breaks for Non-Exempt Staff

Non-Exempt Staff who work six hours must be provided a 20-minute break. Non-Exempt Staff who work eight hours must be provided a 30-minute break.

3.10 Minimum Number of Hours for Non-Exempt Staff

Non-Exempt Staff who report to work for a shift scheduled for three hours or more will be paid a minimum of three hours regardless of whether three hours of work was performed. Non-Exempt Staff who report to work for a shift scheduled (by agreement) for less than three hours will be paid only for the actual amount of time they spend working, unless the University furnishes them with no work at the beginning of the shift, in which case, they will be paid for their full scheduled shift.

3.11 Non-Exempt Staff Working in New York and California

Non-Exempt Staff working in New York and California should contact University Human Resources (UHR) for specific information regarding pay for Non-Exempt Staff in these states.
3.12 Dual Employment for Non-Exempt Staff

Non-Exempt Staff must notify their supervisor of any work arrangement at Brown University outside of their primary department because of the potential impact on overtime pay for the primary department. If the employee’s total time worked exceeds 40 hours, the hours which caused the weekly hours to exceed 40 in the Workweek will be paid at the overtime rate. When a Staff member works at two different hourly rates of pay and is eligible for overtime, the rate of pay (for purposes of calculation of overtime) is the Blended Rate of the two hourly rates during the work period for which the calculation is made. Except as set forth in Section 3.1, above, overtime pay is calculated at the rate of one and one-half times the weighted average of the two rates.

4.0 Definitions

For the purpose of this policy, the terms below have the following definitions:

**Blended Rate:** The Blended Rate is the total earnings divided by the total number of Hours Worked at all jobs.

**Hours Worked:** This includes all working time, as set forth in Section 3.0, above. The following count toward Hours Worked for overtime: Paid holidays, vacation days, administrative closing days, and bereavement days. Sick days and summer hours are not counted as time worked for overtime purposes.

**Non-Deferrable Services/Operations:** A service or operation that is necessary to maintain or protect the health, safety, or physical well-being of the University’s personnel (students, Staff, and faculty), critical administrative functions, academic mission, facilities and/or assets (including research projects).

**Non-Exempt Staff:** Non-exempt employees are paid for each hour worked, and record each hour worked on the time record. If the employee works more than 40 hours in one workweek, the employee is paid a premium of time and one-half, which is also referred to as overtime compensation.

**On-Call:** Being On-Call means an employee is available to work if their employer contacts them. An employee who is On-Call isn’t working, but they are available in case they need to work.

**Seasonal/Intermittent Employee:** An employee that works less than six (6) months on a one-time or annually recurring basis; or an employee that works less than 12 hours per week.

**Staff:** Staff includes full or part-time regular, seasonal/intermittent or union employees. Staff does not include faculty, post-doctoral students or student workers.

**Workweek:** For purposes of calculating overtime, the Workweek begins Sunday at 12 a.m. and ends Saturday at 11:59 p.m.
5.0 Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

University Human Resources, the Payroll Office, and Brown University Departments: Responsible for ensuring all employees are paid in accordance with federal and state laws, and paying employees for all Hours Worked.

University Human Resources and the Payroll Office: Responsible for ensuring compliance with federal and state laws and communicating compliance information.

University Human Resources: Responsible for determining whether positions are exempt or Non-Exempt and for reviewing all employee pay complaints. University Human Resources is also responsible for evaluating all job descriptions.

Non-Exempt Staff: Non-Exempt Staff are required to obtain supervisory approval prior to working any additional hours outside of regularly scheduled hours, including Hours Worked outside of their primary department. Non-Exempt Staff are also responsible for submitting accurate time each week.

Supervisors: Responsible for ensuring all Non-Exempt Staff are paid in accordance with state and federal laws, entering time on behalf of a Non-Exempt employee not able submit time, and approving time worked.

Timekeepers: Responsible for reviewing and approving Non-Exempt employees’ time in Workday each week and entering time on behalf of a Non-Exempt employee who is not able to submit time.

6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., Staff, faculty, student) disciplinary procedures.

7.0 Related Information

This policy is not a legal document. This policy does not confer a term of employment, nor is the language intended to establish a contract of employment, express or implied, between any employee and Brown University. The University reserves the right to change, amend or terminate any of its human resources policies at any time for any reason.

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, Brown’s Anonymous Reporting Hotline allows anonymous and confidential reporting on matters of concern online or by phone (877-318-9184).
The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

7.1 Related Policies:
- Exempt Staff Pay Policy
- Essential Positions Policy
- Work Schedules Policy

7.2 Related Procedures:
- Non-Exempt Staff Pay Standard Operating Procedure
- Essential Positions Standard Operating Procedure

7.3 Related Forms: N/A

7.4 Frequently Asked Questions (FAQs):
- **What do the terms “Exempt” and “Non-Exempt” mean?**
  Employees compensated on a salary basis and whose responsibilities meet federal and state requirements are exempt from receiving overtime pay. Employees who do not meet the exemption test are classified as Non-Exempt and the employees occupying those positions will receive overtime pay for Hours Worked over 40 during the employer’s Workweek.
- **Can Non-Exempt Staff volunteer to work additional hours without compensation?**
  No, Non-Exempt Staff must be paid for all Hours Worked.
- **If Non-Exempt Staff work additional hours without supervisory approval, do they still need to be paid?**
  Yes, Non-Exempt Staff must be paid for all Hours Worked.
- **Who is responsible for ensuring Non-Exempt Staff are paid for all Hours Worked?**
  It is the supervisor’s responsibility to ensure Non-Exempt Staff are paid for all Hours Worked in the pay periods in which they work.
- **If a Non-Exempt Staff is On-Call, does that qualify as compensable work time?**
  On-Call situations vary. A Staff member who is not required to remain at work, but is merely required to leave word where they may be reached, is not working while On-Call. Whether a Staff member can use the On-Call time for their own purpose is a consideration to determine if the time is worked. If a Staff member is able to use the On-Call time effectively to engage in personal activities, the time is not considered work time. When a Staff member is On-Call, all time spent responding to calls is Hours Worked.
- **Do I have to work on a holiday for those hours to count towards the over-time calculation?**
  No. All Paid Holiday hours entered into Time Tracking will count towards the over-time calculation.

7.5 Other Related Information:
- Online Understanding Federal and State Laws Governing Compensation Training Module

8.0 Policy Owner and Contact

8.1 Policy Owner: Vice President for Human Resources
8.2 Policy Approved by: Executive Vice President for Finance & Administration
8.3 Subject Matter Contact: Director, Compensation & Organizational Services
  - Telephone: 401-863-1792
  - Email: Compensation_office@brown.edu
9.0 Policy History

9.1 Policy Effective Date: April 22, 2020

9.2 Policy Last Reviewed: May 8, 2020

9.3 Policy Update/Review Summary:
Two substantial changes were made:

1) Separated Exempt and Non-Exempt Employee Pay policy into two policies: Exempt Staff Pay and Non-Exempt Staff Pay policies, and

2) This policy clearly states it applies to Staff employees.

Added sub-section on breaks, minimum number of hours, dual employment, and California and New York Non-Exempt employees. Updated FAQs. Policy disclaimer notice added in section 7.0 on May 8, 2020. Policy footer removed on June 19, 2020. Policy superseded by this policy:

* Exempt and Non-Exempt Employee Pay (40.030), Revision Date: October 30, 2019